

## Staff Summary Report

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Council Meeting Date: 12/12/02

Agenda Item Number: 47

q-j

**SUBJECT:** This is the first public hearing for Weinerschnitzel Hot Dog Restaurant for an Amended General Plan of Development for University & McClintock Crossing and Final Plan of Development for Parcel 2 Phase 3 with a use permit located at 804 South McClintock Drive.

**DOCUMENT NAME:** 20021212dsrh07

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** **PLANNED DEVELOPMENT (0406)** Hold the first public hearing for **WIENERSCHNITZEL HOT DOG RESTAURANT** (James Foster, property owner) **#SGF-2002.82** for a 3<sup>rd</sup> Amended General Plan of Development for University & McClintock Crossing consisting of 31,991 s.f., on 4.86 net acres, and a Final Plan of Development for Parcel 2 Phase 3, Weinerschnitzel Hot Dog Restaurant consisting of 2,880 s.f. on .87 net acres and a use permit, located at 804 South McClintock Drive, including the following:

Use Permit:

Allow outdoor dining in the PCC-1 Zoning District.

**PREPARED BY:** DeeDee (D<sup>2</sup>) Kimbrell, Planner II (480-350-8438)

**REVIEWED BY:** Steve Venker, Planning & Zoning Manager (480-350-8920)

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval  
Planning Commission – Approval (6-0 vote)  
Public – None to date

**ADDITIONAL INFO:** The four parcel commercial center is currently housing McDonald's restaurant and 7-Eleven convenience store with gas pumps. With the proposed development of Weinerschnitzel Hot Dog Restaurant on parcel 2, one last parcel within this center remains vacant.

The General Plan of Development designates this site for a drive-through restaurant or retail land use. This proposal appears to be consistent with previously recorded development plans, both in land use and site plan. Therefore, staff supports this request subject to conditions. To date, no public input has been received.

- ATTACHMENTS:**
1. List of Attachments
  2. History & Facts
  - 3-4. Description / Comments / Reason(s) for Approval
  - 5-6. Conditions of Approval
- 
- A. Location Map
  - B. Amended General and Final Plan of Development
  - C. Final Plan of Development
  - D. Floor Plan
  - E. Elevations
  - F. Conceptual Landscape Plan
  - G. Letter of Explanation/Intent
  - H. Previously Approved Plan (12/18/97)

## **HISTORY & FACTS:**

<u>January 28, 1958.</u>	This site was annexed into the City from the County as R1-6. Rezoning of this parcel from R1-6 to industrial predates City's record keeping.
<u>May 15, 1996.</u>	Design Review Board approved the Commons Apartments for building elevations, site and landscape plan, subject to conditions.
<u>June 6, 1996.</u>	City Council approved a General Plan 2000 Amendment, Resolution No. 96.22, from Mixed Use to Residential on 22.25 net acres and from Mixed Use to Retail on 4.87 net acres.
<u>June 6, 1996.</u>	City Council approved a zoning change, Ordinance No. 808.9605, from I-2 General Industrial District to R-3 Multi-family Residential on 22.25 net acres and to PCC-1 Planned Commercial Center on 4.87 net acres.
<u>June 6, 1996.</u>	City Council approved a Site Plan for Jefferson Commons Apartments consisting of 288 units on 22.25 net acres including four variances.
<u>June 6, 1996.</u>	City Council approved a General Plan of Development for Jefferson Commons Shopping Center (now University & McClintock Crossing) consisting of 4.87 net acres including a Use Permit for a convenience store with gasoline pumps and two variances.
<u>March 27, 1997.</u>	City Council approved a one-year time extension of condition #5 for Jefferson Common apartments and for the commercial center (Now University and McClintock Crossings).
<u>December 18, 1997.</u>	City Council approved an Amended General Plan of Development for University & McClintock Crossing Commercial Center and a Final Plan of Development for Phase I (Parcel 1) and Phase II (Parcel 3), including 2 variances.
<u>April 30, 1998.</u>	City Council approved a Final Subdivision Plat consisting of 4 parcels, subject to 5 conditions.
<u>March 18, 1999.</u>	Council approved an Amended General and Final Plan of Development for a one-story 22,140 s.f. retail/restaurant building at McClintock Crossings located at the SWC of University and McClintock. (Plan was not recorded)
<u>June 8, 2000.</u>	City Council approved the request by McClintock Crossing for re-approval of an Amended General & Final Plan of Development for Parcel 4 consisting of 2,250 s.f. of restaurant and 19,890 s.f. of retail on 2.15 net acres located at 1775 East University Drive. (Plan was not recorded)
<u>November 12, 2002.</u>	Planning Commission approved the request by Wienerschnitzel for a 3 <sup>rd</sup> Amended General Plan of Development for University & McClintock Crossing and a Final Plan of Development for Wienerschnitzel Hot Dog Restaurant consisting of 2,880 s.f. building including a use permit for a 600 s.f. outdoor dining patio on their consent agenda by a 6-0 vote.

**DESCRIPTION:** Owner – James Foster (Parcel 2 Phase 3)  
Applicant – Sender Associates, Darin Sender  
Architect - Architekton, Douglas Brown  
Attorney – Sender Associates, Darin Sender  
Existing zoning – PCC-1

University & McClintock Crossing – Amended General Plan of Development

Total site area – 4.86 net acres  
Total bldg. area – 31,991 s.f.  
Bldg. Coverage – 15%  
Landscape coverage – 39%  
Total parking required – 188 spaces  
Total parking provided – 206 spaces  
Total bicycle parking required – 35 spaces  
Total bicycle parking provided – 37 spaces

Parcel 1: (Phase 1) 7-11 Convenience store w/ gas pumps

Site area – 1.15 net acres  
Bldg. area (including canopy) – 7,232 s.f.  
Bldg. coverage – 14.39%  
Landscape coverage – 38%  
Parking required – 13 spaces  
Parking provided – 13 spaces  
Bicycle parking required – 8 spaces  
Bicycle parking provided – 8 spaces

Parcel 2 (Phase 3) Wienerschnitzel Restaurant

Site area – .87 net acres  
Bldg. area – 2,880 s.f.  
Bldg. coverage – 8%  
Landscape coverage – 18%  
Parking required – 42 spaces  
Parking provided – 44 spaces  
Bicycle parking required – 6 spaces  
Bicycle parking provided – 6 spaces

Parcel 3 (Phase 2) McDonald's

Site area – .70 net acres  
Bldg. area – 3,150 s.f.  
Bldg. coverage – 10.3%  
Landscape coverage – 26%  
Parking required – 42 spaces  
Parking provided – 42 spaces  
Bicycle parking required – 6 spaces  
Bicycle parking provided – 8 spaces

Parcel 4 (Phase 4) Retail/restaurant shops

Site area – 2.15 net acres  
Bldg. area – 22,825 s.f.  
Bldg. coverage – 24%  
Landscape coverage – 51%  
Parking required – 91 spaces  
Parking provided – 107 spaces  
Bicycle parking required – 15 spaces  
Bicycle parking provided – 15 spaces

**COMMENTS:** The applicant is requesting a 3<sup>rd</sup> Amended General Plan of Development for University & McClintock Crossing and a Final Plan of Development for Wienerschnitzel Hot Dog Restaurant consisting of 2,880 s.f. building with a drive-thru lane in one of the remaining parcels within the center. Also included with this request is a use permit for a 600 s.f. outdoor dining patio. The four parcel commercial center is currently housing McDonald's restaurant and 7-Eleven convenience store with gas pumps. With the proposed development of Wienerschnitzel Hot Dog Restaurant on parcel 2, one last parcel within this center remains vacant.

This Wienerschnitzel restaurant will serve many different varieties of hot dogs and polish dogs, among other items, and will also offer breakfast and dessert choices. Proposed business hours are 7:00 a.m. to 2:00 a.m., Monday through Saturday, and 9:00 a.m. to 2:00 a.m. Sunday with the possibly of offering a 24 (twenty-four) hour operation in the future.

Also requested with this Final Plan of Development is a freestanding tenant identification sign in lieu of the freestanding center identification sign otherwise required in the PCC-1 Zoning District.

The General Plan of Development designates this site for a drive-through restaurant or retail land use. This proposal appears to be consistent with previously recorded development plans, both in land use and site plan. The overall lot coverage and building size has been reduced from a 3,600 s.f. building to a 2,880 s.f. building with a 600 s.f. outdoor dining patio and as single drive-through lane. This use should not attract traffic in excess of that anticipated for this type of project. All buildings will be required to maintain architectural compatibility throughout the site plan. Therefore, staff supports this request subject to conditions. To date, no public input has been received.

**REASON(S) FOR**

- APPROVAL:**
1. The proposed Amended General Plan of Development for University & McClintock Crossing and the Final Plan of Development for Wienerschnitzel Hot Dog Restaurant appear to be consistent with previously recorded development plans.
  2. The proposed Amended General Plan of Development for University & McClintock Crossing and the Final Plan of Development for Wienerschnitzel Hot Dog Restaurant appear to function efficiently and should not create any detrimental effects to the adjacent properties/neighbors.

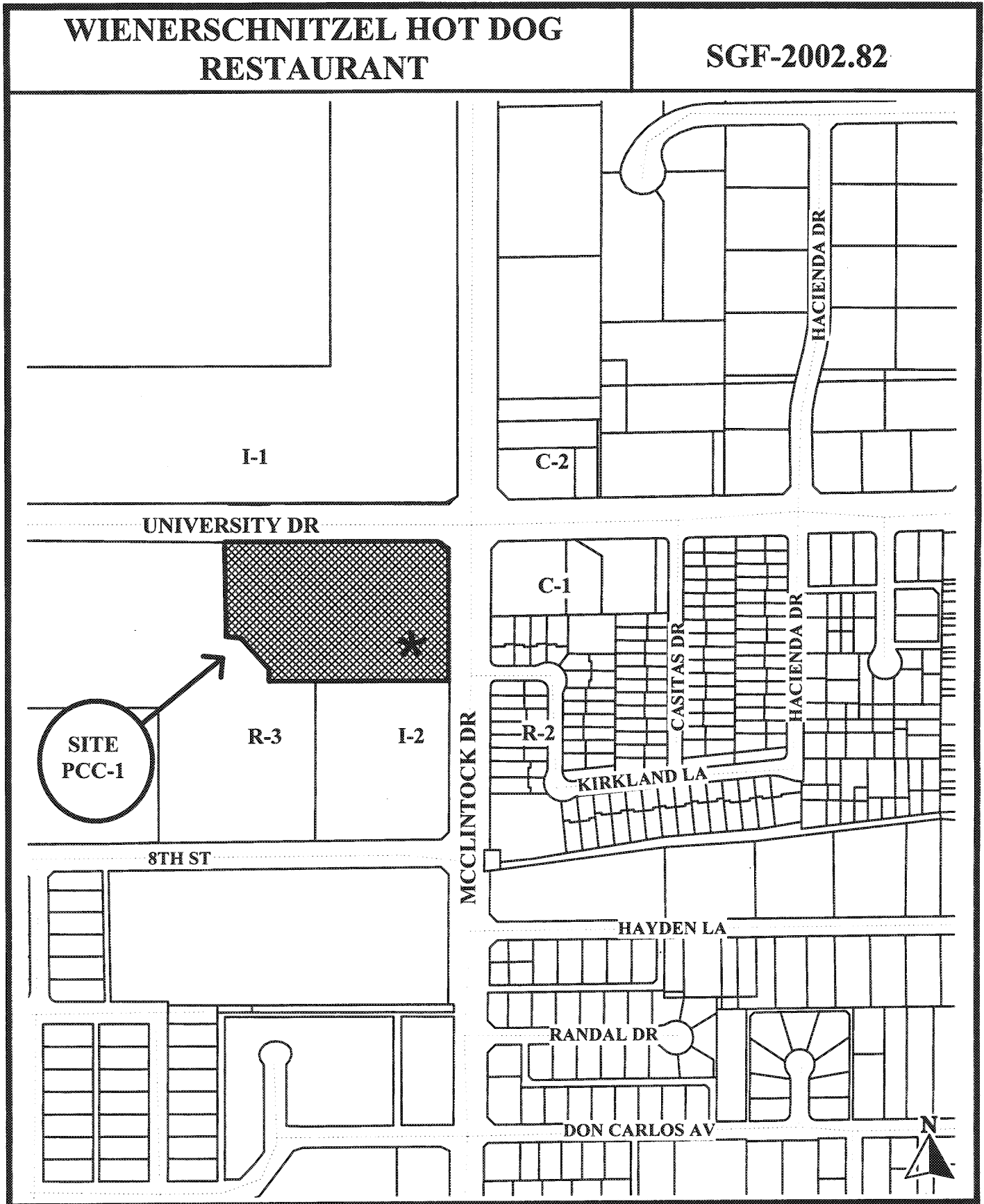
**CONDITION(S)  
OF APPROVAL:**

1. a. The Public Works Department shall approve all roadway, alley, and utility easement dedications, driveways, storm water retention, and street drainage plans, water and sewer construction drawings, refuse pickup, and off-site improvements.
- b. Off-site improvements to bring roadways to current standards include:
  - (1) Water lines and fire hydrants
  - (2) Sewer lines
  - (3) Storm drains.
  - (4) Roadway improvements including streetlights, curb, gutter, bikepath, sidewalk, bus shelter, and related amenities.
- c. Fees to be paid with the development of this project include:
  - (1) Water and sewer development fees.
  - (2) Water and/or sewer participation charges.
  - (3) Inspection and testing fees.
- d. All applicable off-site plans shall be approved prior to recordation of Final Subdivision Plat.
2. a. All street dedications shall be made within six (6) months of Council approval.
- b. Public improvements must be installed prior to the issuance of any occupancy permits. Any phasing shall be approved by the Public Works Department.
- c. All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this (re)development in accordance with the Code of the City of Tempe - Section 25.120.
3. The applicant/owner(s) shall provide a continuing care condition, covenant and restriction for all of the project's landscaping, required by Ordinance or located in any common area on site. The CC&R's shall be in a form satisfactory to the Development Services Director and City Attorney.
4. No variances may be created by future property lines without the prior approval of the City of Tempe.
5. A valid building permit shall be obtained and substantial construction commenced **on or before December 19, 2003** or the use permit shall be deemed null and void.
6. The Amended General Plan of Development for University & McClintock Crossing and the Final Plan of Development for Weinerschnitzel Hot Dog Restaurant shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department **on or before December 19, 2003**. Failure to record the plan within one year of Council approval shall make the plan null and void.

7. The Amended General Plan of Development for University & McClintock Crossing and the Final Plan of Development for Weinerschnitzel Hot Dog Restaurant shall be recorded prior to the issuance of permits, and shall show cross access to be maintained throughout this site over the driving aisles. No changes or modifications to the driving aisles will be allowed without the prior approval of the Engineering Department.
8. The applicant/owner shall comply with all applicable state and federal laws regarding archeological artifacts on this site.
9. The use permit is non-transferable and is issued to the owner(s) of Wienerschnitzel Hot Dog Restaurant, James Foster only.
10. Any intensification or expansion of the use shall require the applicant to return to the City Council for further review.
11. The applicant/owner shall resolve all lighting and security details with the Planning and Crime Prevention Staff prior to the issuance of a building permit.
12. This proposal shall be approved by the Design Review Board.
13. The applicant/owner shall pave the driveway along the west property line of Parcel 2 Phase 3 and extend the pavement to the east to meet the existing temporary asphalt.

# WIENERSCHNITZEL HOT DOG RESTAURANT

SGF-2002.82



**Location Map**



A PORTION OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER  
BASE AND MERIDIAN, MARICOPA COUNTY ARIZONA

UNIVERSITY & MCLINTOCK  
TEMPE, ARIZONA

# WIENER SCHNITZEL

UNIVERSITY & McCINTOCK  
TEMPE, ARIZONA

300 E. 1st Ave., Box 304  
Tulsa, OK 74103  
P 405/452-1435  
WWW.300E1ST.COM



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**TABLE 24.8**

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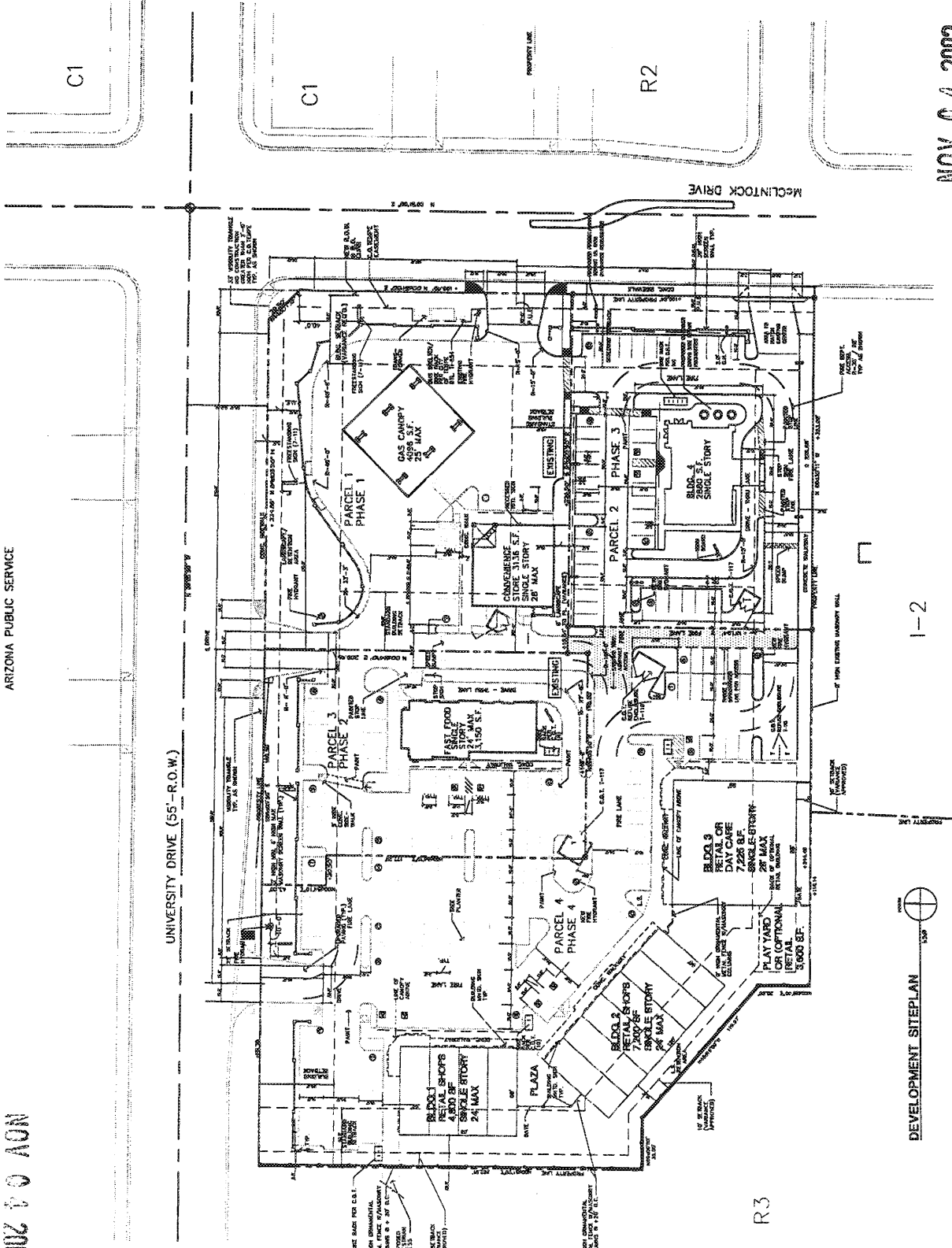
WIENER SCHNITZEL  
UNIVERSITY & MCCLINTOCK  
TEMPE, ARIZONA

ARCHITECT  
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WWW.UNIVERSITYANDMCCLINTOCK.COM



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GENERAL AND FINAL  
DEVELOPMENT PLAN

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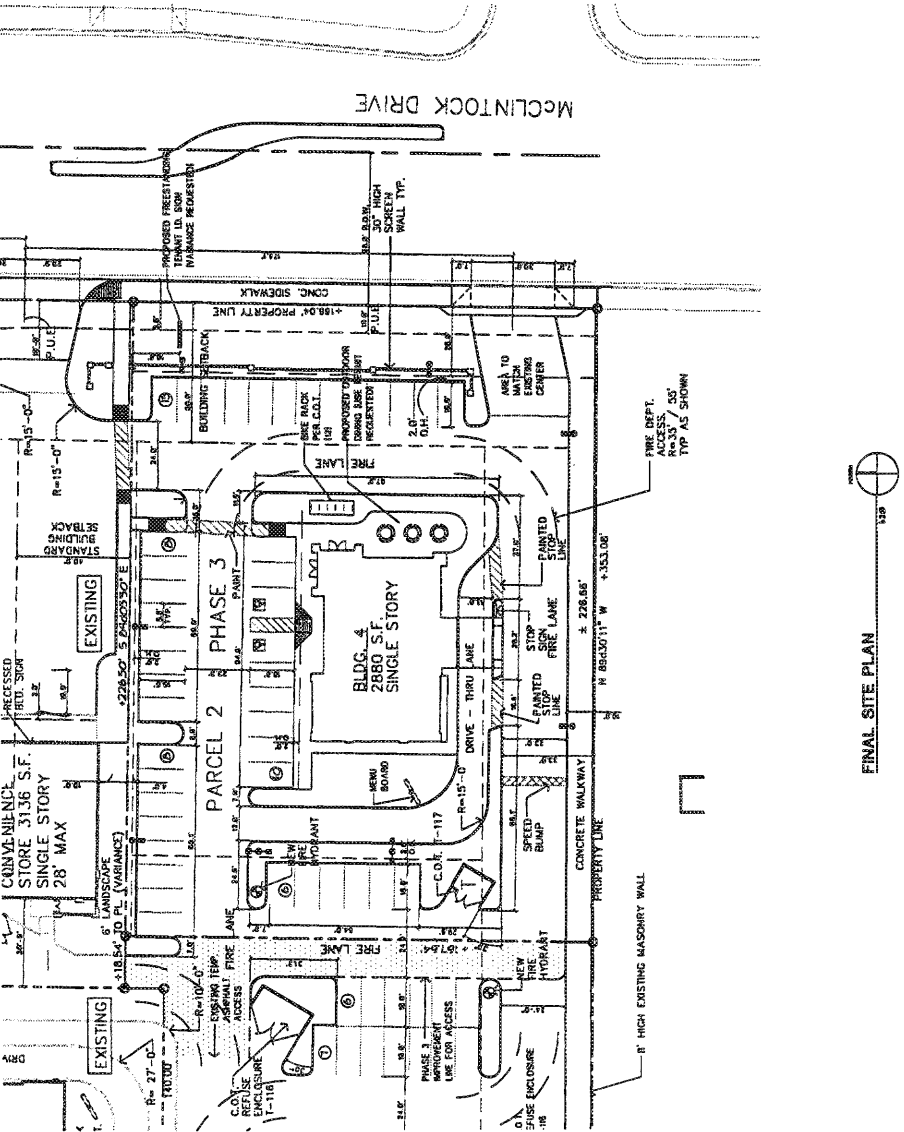


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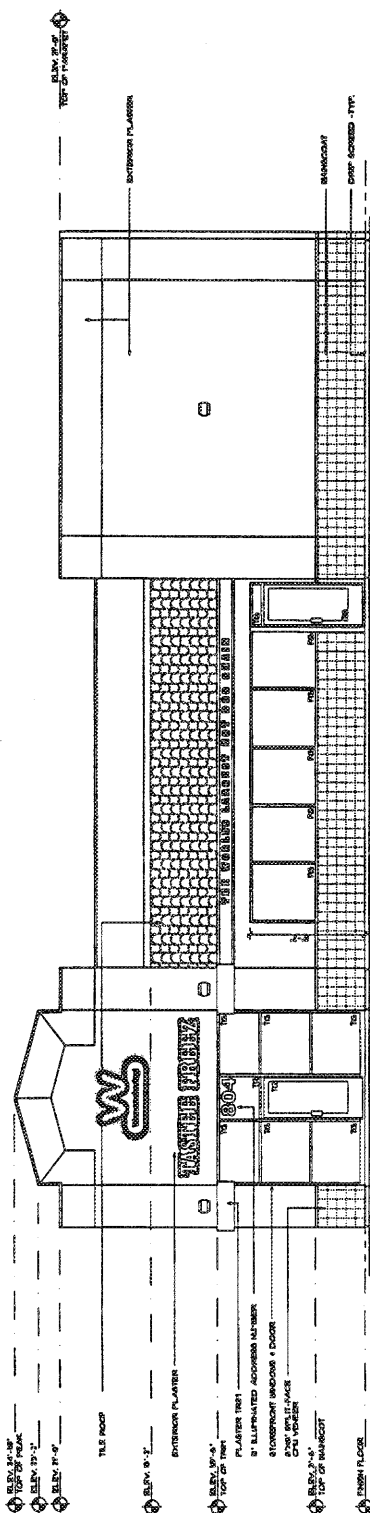
DEVELOPMENT SITEPLAN  
1" = 50'

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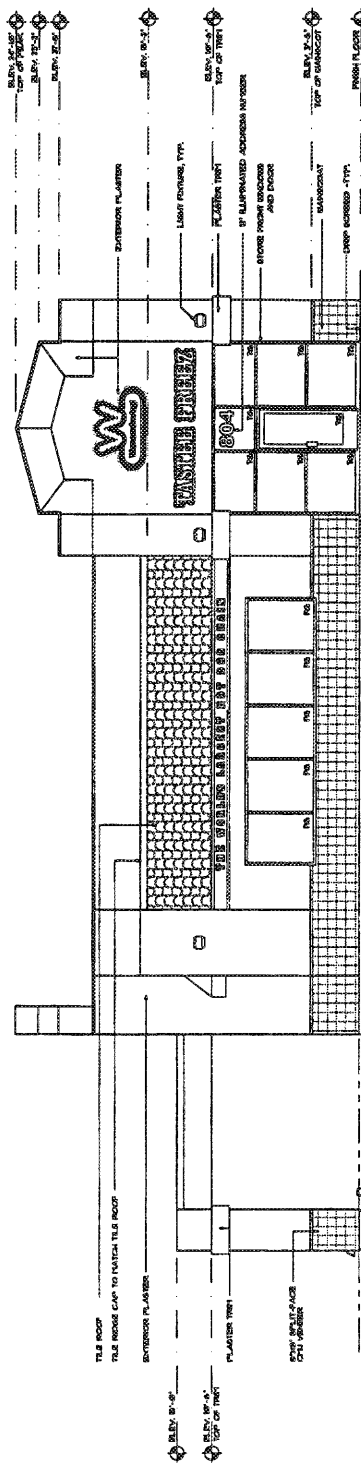
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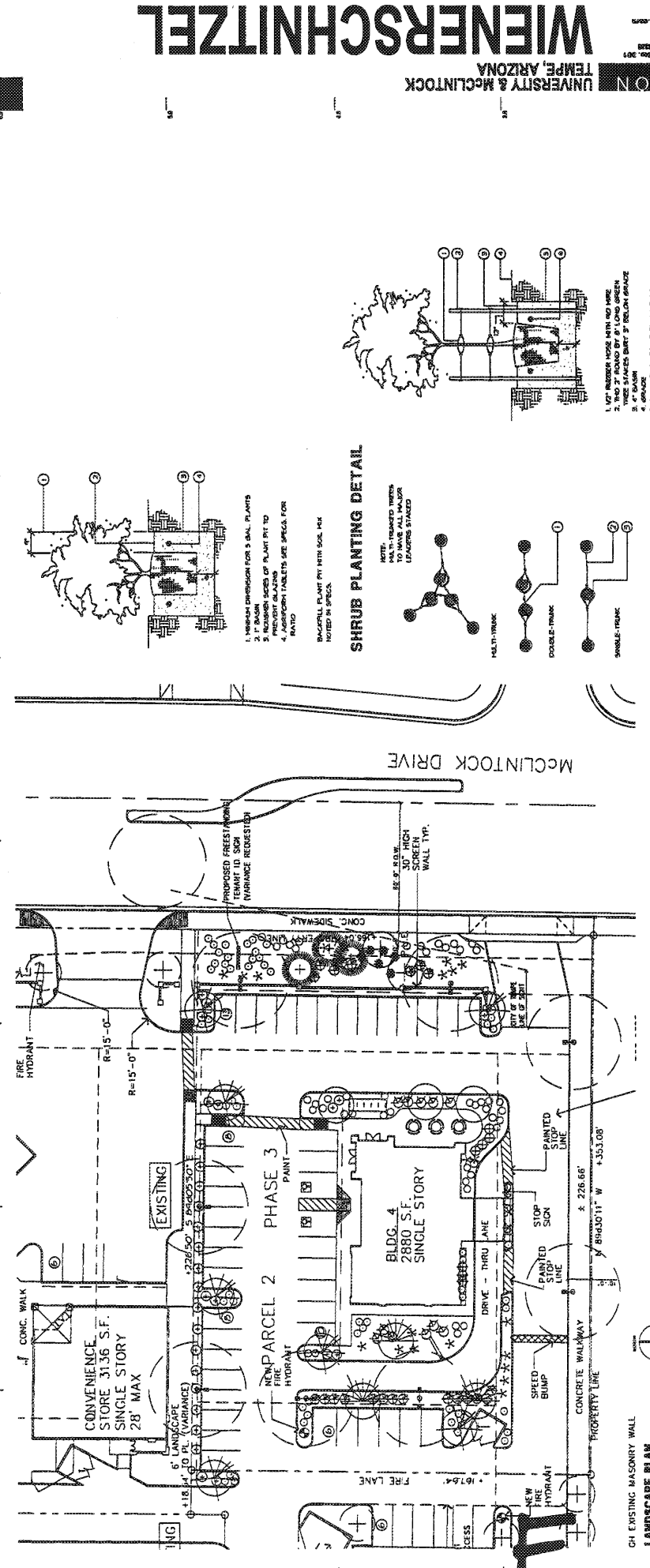
NORTH ELEVATION



EAST ELEVATION

NOTE: PROPOSED SIGNAGE TO BE ADDRESSED WITH  
FOUR SEVEN BOARD SIGNET





**LANDSCAPE PLAN**

ON EXISTING MASONRY WALL

SCALE: 1" = 10' 20' 40'

**LANDSCAPE CALCULATIONS**

SITE AREA 37,961 S.F.

US AREA 8,932 S.F.

PERCENTAGE OF US 23%

- LANDSCAPE NOTES**
- THE ENTIRE SITE WILL BE MAINTAINED IN ACCORDANCE WITH TEMPE STANDARDS.
- ALL PARKING LOT FINGER WILL RECEIVE 15 GALLON TREE AND 5 GALLON SHRUBS PER SINGLE ROW OF PARKING.
- ALL PLANT MATERIAL WITHIN THE CITY OF TEMPE RIGHT DISTANCE TRIANGLE LIST WILL BE SELECTED FROM THE TEMPE APPROVED RIGHT DISTANCE TRIANGLE LIST.
- ALL LANDSCAPE AREAS WILL BE TOP-DRESSED WITH A 2" DEPTH OF DECOMPOSED GRANITE.
- NO RIVER ROCK PERMITTED UNLESS 20" OF EACH STONE IS EMBEDDED IN CONCRETE.
- TREES WILL BE PLACED AS TO NOT INTERFERE WITH PARKING LOT LIGHTS.
- NO OLEANDER NEXUS WILL BE USED IN PARKING LOT AREAS.
- LANDSCAPE LEGEND**
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LANDSCAPE PLAN

**W. J. McQUEEN & ASSOCIATES, INC.**

LANDSCAPE ARCHITECTURE

SITE PLANNING

1121 East Missouri Ave., Suite 218

Phoenix, AZ 85014

Phone: (602) 266-4618

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www.mcqueenassoc.com

**LANDSCAPE PLAN**

NOV 04 2002

Set-2002.82

**LANDSCAPE PLAN**

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Set-2002.82

**W. J. McQUEEN & ASSOCIATES, INC.**

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**LANDSCAPE PLAN**

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## ·PROJECT DATA ·

·APPLICATION	Third Amended General Plan of Development (University and McClintock Crossing) with Final Plan of Development for Parcel 2 (Phase 3) – Wienerschnitzel Drive-through Hot Dog Restaurant with an Outdoor Dining Patio.
·LOCATION	804 South McClintock Drive. (Southwest corner of McClintock and University Drives)
·SITE AREA	0.87 Acres.
·EXISTING ZONING	<u>Site:</u> PCC-1 <u>North:</u> PCC-1; I-1 across University Drive <u>South:</u> I-2 <u>East:</u> C-1 & R-2 <u>West:</u> PCC-1; R-3 further west
·SURROUNDING LAND USES	<u>Site:</u> Vacant <u>North:</u> 7-Eleven AM/PM Gas Station, McDonald's Restaurant; APS Solar Power Station across University Drive <u>South:</u> Boat Dealership <u>East:</u> High Density Residential and Commercial <u>West:</u> Vacant; Apartments west of Commercial Center
·LEGAL REPRESENTATIVE	Sender Associates, Chartered Darin A. Sender 398 South Mill Avenue, Suite 301 Tempe, Arizona 85281 (480) 966-6735 (480) 966-8016 fax <a href="mailto:darin@senderlaw.com">darin@senderlaw.com</a>
·PROPERTY OWNER	James W. Foster
·ARCHITECT	Architekton Doug Brown, AIA, Principal 398 South Mill Avenue, Suite 301 Tempe, Arizona 85281 (480) 894-4637 (480) 894-4638 fax





# ·PROJECT NARRATIVE · WIENERSCHNITZEL HOT DOG RESTAURANT

### I. HISTORY OF BUSINESS

Wienerschnitzel was started with the opening of a single hot dog stand in 1961. Soon after, the first der Wienerschnitzel opened in Wilmington, California. In 1962, a second restaurant was built that featured der Wienerschnitzel's signature red A-frame roof. It was the beginning of a revolutionary design that pioneered the drive-through concept in Southern California. The company has since changed its name to simply "Wienerschnitzel" and grown to over 300 stores in ten states and Guam. Today, Wienerschnitzel is "The World's Largest Hot Dog Chain" and one of the largest privately owned fast-food restaurant chains in the nation.

The franchisee and owner of this business, Mr. James Foster, has worked for the Wienerschnitzel company within its franchise division for many years at its California headquarters. He is therefore very familiar with the many complicated details of setting up and running this type of business. After choosing to move back to Arizona, Mr. Foster selected Tempe as the perfect home for his own Wienerschnitzel restaurant.

### II. PROJECT INTRODUCTION

This application pertains to the proposed development of a Wienerschnitzel franchised drive-through hot dog restaurant with an outdoor dinning patio. Mr. Foster is requesting approval of the Final Plan of Development for Parcel 2 (Phase 3) and a Third Amended Plan of Development for the University and McClintock Crossing Commercial Center located at the southwest corner of McClintock and University Drives, (the "Site"). The four parcel commercial center is currently home to a McDonald's drive-through restaurant and a 7-Eleven AM/PM gas station. One last parcel remains vacant and is available for development.

### III. SITE LAYOUT

This site layout was designed to follow as closely as possible the original site approval. However, the overall lot coverage and the building size have been reduced, and the landscaping increased with an outdoor dining patio added for convenience and smoking purposes. The proposal includes a 2,880 s.f. building, a 600 s.f. outdoor dinning patio, and a single drive-through lane. Adequate ingress and egress to the Site is assured through the two shared driveways along McClintock Drive. Additionally, two shared driveways along University Drive for the entire commercial center will provide increased access to both arterial streets.

Adequate interior site circulation was addressed in the original design of the commercial center through its CC&R's by creating unimpeded access between this Parcel, and the other parcels within this center through a reciprocal cross-access easement. The entire commercial center benefits from generous separation of pedestrian and automobile traffic with integrated

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pedestrian flow using marked walkways incorporated throughout. Parking, refuse and service areas have also been integrated on the Site serving the City of Tempe requirements. Lastly, the Site has been designed to meet many of the City of Tempe's CPTED requirements.

This Final Plan of Development also requests a freestanding tenant identification sign in lieu of the freestanding center identification sign otherwise required in the PCC-1 District. This freestanding tenant identification sign will be designed to complement the 7-Eleven and McDonald's existing freestanding tenant identification signs on University and McClintock Drives. Other signage proposed for this Site will complement the design, areas and size of existing signage within the Center and will be included with the Design Review Board application for this project.

The Site location at a major intersection within a cohesive commercial center, along with the close attention to site and building design, will insure only positive impacts and a catalyst for the future development of the remaining vacant parcel.

#### IV. PROPOSED LAND USE

Wienerschnitzel is proposing to develop on Parcel 2 just south of the 7-Eleven AM/PM gas station. The General Plan of Development designates this Site for a drive-through restaurant or retail land use. The current proposed site layout closely parallels the layout of the original approval, both in land use and site plan. This Wienerschnitzel drive-through restaurant will serve many different varieties of hot dogs and polish dogs, among other items, and will also offer breakfast and dessert choices. For breakfast, eggs and breakfast burritos are the main menu items. For dessert, Wienerschnitzel restaurants include a Tastee-Freez ice cream station (for employee service only) for ice cream creations.

Mr. Foster plans on possibly offering twenty-four hour operation in the future to provide an alternate food venue for those working the late night shift and for students working late into the evening, as, for example, those in the ASU College of Architecture and Environmental Design routinely do. The drive-through lane includes an escape lane for vehicles to exit from the rear of the lane. This serves two purposes. First, because Wienerschnitzel frequently delivers orders out to the cars by hand, a customer may obtain their order before the customer in the front car. This way, the second customer having already paid for and obtained their order is able to leave the queue early. Second, a customer already in the queue may for one reason or another not wish to order and require a way out of the line.

The outdoor dining patio also accomplishes two objectives by allowing patrons to dine in the wonderful Arizona Spring, Fall and Winter weather, and by affording certain patrons a place to smoke.

#### V. OVERALL DESIGN CONCEPT

Harmony, appropriateness, longevity and ease of maintenance have been the highest priorities in selecting all materials and colors for this project. The overall design of the proposed



building will be compatible in form, color, materials and style with the existing buildings in the commercial center. The location of the proposed drive-through allows for maximum screening from the public streets, while adding architectural character to the building. Signage and building materials will complement the other designs within the Center without copying their exact forms or color palettes.

#### VI. REQUESTED USE PERMITS, VARIANCES AND/OR SPECIFIC DEVELOPMENT REQUESTS

This Final Plan of Development requests the following in addition to the Development site plan approvals:

1. Use Permit for an outdoor dining and smoking patio;
2. Request for a freestanding tenant identification sign in lieu of freestanding center identification sign; and
3. Request for 24-hour operation.

#### VII. CONCLUSION

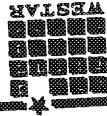
Mr. Foster hereby respectfully requests your consideration and approval of the Final Plan of Development for Parcel 2 (Phase 3) - Wienerschnitzel drive-through hot dog restaurant with an outdoor dinning patio. It is the primary desire of Mr. Foster to provide a safe, clean, functional business and to be a responsible member of the community within the City of Tempe.





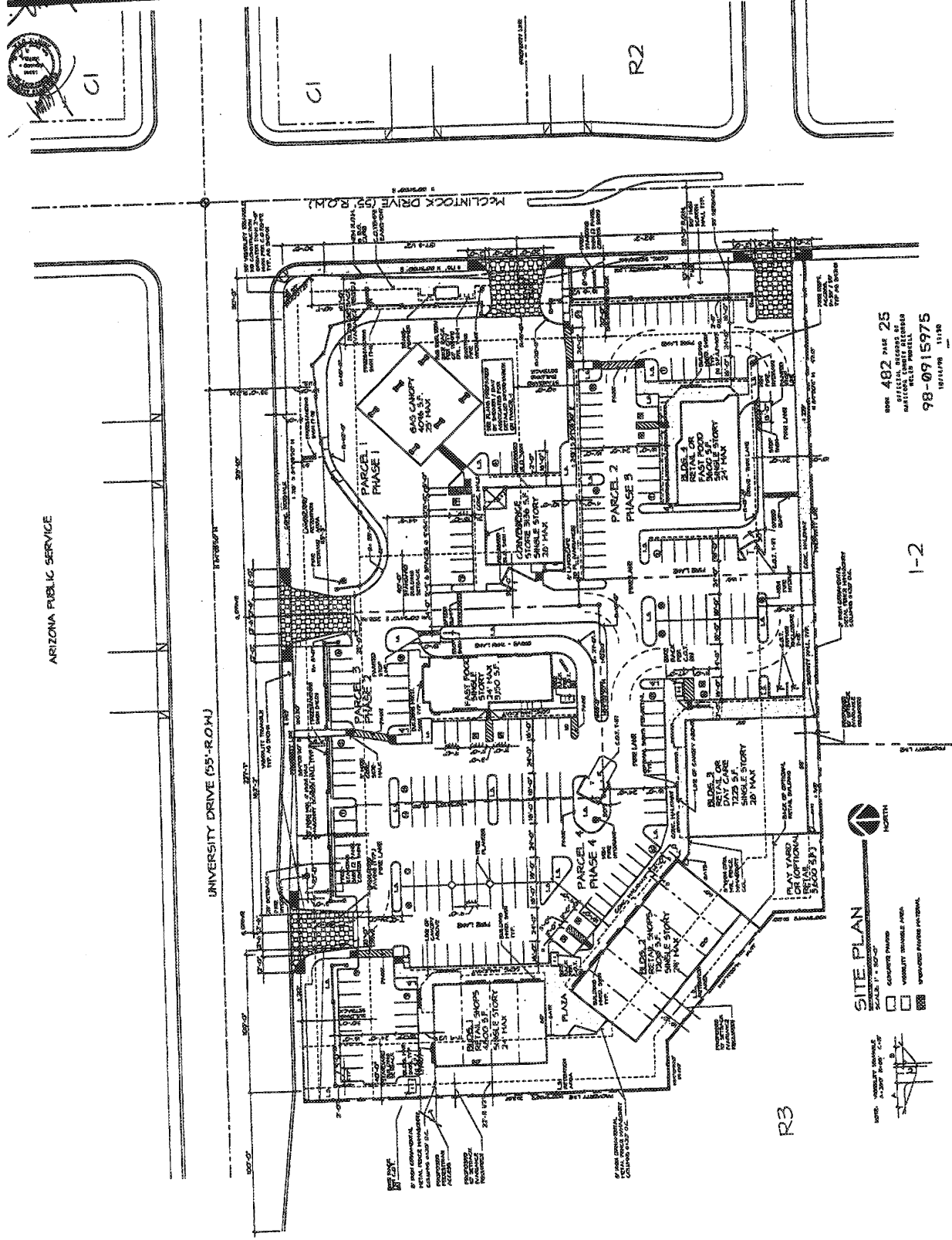


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**UNIVERSITY & MCCLINTOCK CROSSING**  
A NEW RETAIL  
S.W.C. OF UNIVERSITY DR. & MCCLINTOCK  
TEMPE, ARIZONA

PROJECT NUMBER: 157008  
DATE: 10/19/98  
DRAWN BY: JKL  
CHECKED BY: JKL  
SCALE: AS SHOWN  
SHEET: 2/2



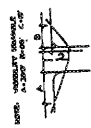
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1-2



**SITE PLAN**  
SCALE: 1" = 50'-0"

- EXISTING BUILDING
- EXISTING PARKING
- EXISTING LANDSCAPE
- EXISTING UTILITIES
- EXISTING FENCED AREA



ARIZONA PUBLIC SERVICE

PREVIOUSLY APPROVED  
& RECORDED PLAN

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